

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 20 1996

Returned to applicant for correction _____

Corrected application filed _____

Map filed _____

The applicant **BHP Nevada Mining Company**, hereby make application for permission to change the **Point of Diversion of a portion** of water heretofore appropriated under **Permit 58793**

1. The source of water is **Underground (WF-1P)**
2. The amount of water to be changed **2.5 cfs**
3. The water to be used for **mining, milling, domestic**
4. The water heretofore permitted for **mining, milling, domestic**
5. The water is to be diverted at the following point **in the NW¼ SW¼, section 4, T.16N., R.62E. MDB&M at a point from which the NE corner of Section 3, T.16N., R.62E. MDB&M bears N. 72 degrees 25'30" E. a distance of 9892.29 feet.**
6. The existing permitted point of diversion is located within **in the NW¼ NW¼, Section 33, T.17N., R.62E., MDB&M at a point from which the NE corner section 3, T.16N., R.62E. MDB&M bears S. 63 degrees 25'23" E., a distance of 11,205.17 feet**
7. Proposed place of use **Section 33, T.17N., R.62E., Section 12, 13, 23, 24, 25, and 26, T.16N., R.61E., Section 2 through 22, 29, and 30, T.16N., R.62E., and Section 7, 17, 18, 19, and 20, T.16N., R.63E., all MDB&M**
8. Existing place of use **same**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **drill well, install pump and convey water to place of use through pipeline system**
12. Estimated cost of works
13. Estimated time required to construct works **Well WF-1P completed drilled and installed 16 inch diameter casing to a depth to 2254 feet.**
14. Estimated time required to complete the application of water to beneficial use **5 Years**
15. Remarks:

By **s/KL. Browne**
P.O. Box 382
Ruth, Nevada 89319

Compared **cms/bk** **cl/cms**

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 58793 is issued subject to the terms and conditions imposed in said Permit 58793 and with the understanding that no other rights on the source will be affected by the change proposed herein. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. This source is located within an area designated by the State Engineer pursuant to NRS 534.030.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the groundwater basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of Permits 43378, 43379, 43380, 43381, 55906, 55908, 55910, 55911, 55912, 55913, 55915, 58245, 58793, 61745, 62685, and 62782-T will not exceed 13,204.0 acre-feet annually.

The permittee will comply with the monitoring plan approved by the State Engineer which will be subject to revision upon review of the data generated. The data and analysis of the data will be submitted to the State Engineer on a monthly basis, subject to any revision of the frequency of the data collected.

The State Engineer requires that a monthly record shall be kept of: (A) The volume of water pumped from each well, (B) The measurement of pumping water level (drawdown) from each production, dewatering and monitoring well, (C) The volume of water consumptively used for mining and milling uses projectwide, and (D) The volume of water used for dust control purposes projectwide. This record will be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This permit is issued subject to the conditions set forth in the withdrawal of the City of Ely's protest dated October 28, 1991, under Permit 55906.

(CONTINUED ON PAGE 2)

(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.5 cubic feet per second, but not to exceed 1,810.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

November 26, 1997

Proof of completion of work shall be filed before:

December 26, 1997

Application of water to beneficial use shall be filed on or before:

November 26, 1998

Proof of the application of water to beneficial use shall be filed on or before:

December 26, 1998

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,
State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 18th day of September, A.D. 1997


State Engineer

Completion of work filed MAY 22 1998

Proof of beneficial use filed MAY 07 1999

Cultural map filed _____

Certificate No. 15219 Issued JUN 07 1999

